

REMARKS

This paper provides an amendment accompanying a request for continued examination. This paper follows a final Office Action rejecting all the pending claims of the application, i.e. claims 1-11, 13, 14, 16, 19-22, 25 and 26.

Applicant has amended the specification to correct a typographical error. No new matter has been introduced by way of amendment.

Applicant has amended claims 1, 2 and 19 to read “environmental conditions indicating actual weather conditions of the location of a mobile telephone device” in order to more distinctly claim the invention. Support for the amendments can be found in the application as originally filed at page 3, lines 7-13 and page 10, lines 20-22. No new matter has been introduced by way of amendment. Claims 6, 20 and 26 have been amended to read “the location of the mobile telephone device.” Support for the amendments can be found in the application as originally filed at page 3, lines 7-13 and page 10, lines 20-22. No new matter has been introduced by way of amendment.

Claim Rejections under 35 U.S.C. §112

At sections 1-2 of the Office Action, the Office rejects claims 1, 2 and 19 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Office asserts that the step of determining the “environmental conditions indicating weather conditions of a mobile telephone device” is inaccurate since weather conditions are based upon the location of the mobile device and not the mobile device itself. Applicant respectfully submits that the claim as written implied as much, but in order to more distinctly claim the invention and prevent any misinterpretation, application has amended claims 1, 2 and 19 herein to recite “environmental conditions indicating actual weather conditions of the location of a mobile telephone device.” As amended, applicant submits that claims 1, 2 and 19 overcome the rejection, thus applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2 and 19 under 35 U.S.C. §112, second paragraph.

Claim Rejections under 35 U.S.C. §103(a)

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Schwoegler.

At sections 3-10 of the Office Action, the Office rejects claims 1-8, 11, 19-21 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over the published thesis "Look Ma', My Homepage is Mobile!" written by *Kehr et al.* (hereinafter *Kehr*) in view of U.S. Application No. 2001/0030624 by *Schwoegler*. Of these claims, claims 1 and 19 are independent claims.

As amended, independent claim 1 recites "...environmental conditions indicating actual weather conditions of the location of said mobile telephone device...." The Office admits that Kehr fails to disclose or suggest that the environmental conditions also indicate weather conditions of a mobile telephone device. The Office turns to Schwoegler for such a disclosure. Schwoegler, however, discloses an individualized, location-specific weather forecasting service that can provide weather forecasts to a mobile electronic device (such as a mobile telephone) over the Internet (via email) or via satellite. Inherently, such forecasts must be downloaded to the mobile device from the weather forecasting service.

Contrary to Schwoegler, the claimed invention does not require the downloading of information in order to determine weather conditions. As supported by the specification as originally filed at page 3, lines 7-13, the claimed invention is capable of "automatically determining information about environmental conditions indicating actual weather conditions of the location of a mobile telephone device." Implicitly, this suggests that the mobile device comprises elements capable of sensing the environment in which the device is located and consequently determining the actual weather conditions of the specific location of the mobile device, not forecasted or determined weather conditions for a particular local area, like what is provided by a weather service as disclosed by Schwoegler. Page 10, lines 20-22 of the specification as originally filed further supports this implied function of the claimed invention:

More sophisticated mobile terminal devices may further add information about the location of the mobile phone, or can comprise information about the environment like temperature, humidity and atmospheric pressure.

Thus, it is clear from this supporting passage that position information and information

related to weather conditions are separate elements of the present invention. Thus, a person subscribing to a mobile weather subscription service such as that disclosed in Schwoegler would receive on their mobile telephone device a downloaded weather report specific to a local area (perhaps using a GPS location function), whereas a person having a mobile device with the capabilities of the claimed invention would have the actual weather conditions of the location of the mobile telephone device automatically updated to the device's mobile homepage as determined by the mobile device itself. As such, no downloading of weather information from a service or other device is necessary; therefore, applicant respectfully submits that the combination of Kehr and Schwoegler fails to disclose or suggest this feature of the claimed invention. Accordingly, applicant respectfully submits that Kehr in view of Schwoegler fails to render claim 1 obvious, thus applicant requests that the Office reconsider and withdraw the rejection of claim 1 under 35 USC §103(a).

Claim 19 is an independent device claim having similar limitations as claim 1 and is rejected for similar reasons as claim 1. Since claim 19, as amended, contains similar limitations to claim 1, and for at least the reasons regarding independent claim 1 clearly explained above, Kehr in view of Schwoegler also fails to render claim 19 obvious. Therefore, applicant respectfully requests that the Office reconsider and withdraw the rejection of claim 1 under 35 USC §103(a).

Claims 2-8, 11, 20-21 and 25-26 ultimately depend from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19 that are not disclosed or suggested by the combination of Kehr and Schwoegler as explained above. For at least the reasons regarding independent claims 1 and 19 clearly explained above, Kehr in view of Schwoegler also fails to render claims 2-8, 11, 20-21 and 25-26 obvious, therefore applicant respectfully requests that the Office reconsider and withdraw the rejection of claims 2-8, 11, 20-21 and 25-26 under 35 USC §103(a).

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Schwoegler in view of Nagaoka et al.

At section 11 of the Office Action, the Office rejects claims 9-10 under 35 U.S.C.

§103(a) as being unpatentable over *Kehr* in view of *Schwoegler* and further in view of *Nagaoka et al.* (US Patent Application Publication 2002/0180579, hereafter referred to as *Nagaoka*).

Claims 9-10 ultimately depend from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* in view of *Schwoegler* fails to render claims 9-10 obvious. Furthermore, *Nagaoka* fails to disclose or suggest the limitations lacking in *Kehr* and *Schwoegler*, namely “automatically determining information about environmental conditions indicating actual weather conditions of the location of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating actual weather conditions of the location of said mobile telephone device.” Consequently, the combination of *Kehr* in view of *Schwoegler* and further in view of *Nagaoka* fails to render claims 9-10 obvious, therefore applicant respectfully requests that the rejection of claims 9-10 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Schwogler in view of Kanevsky et al.

At section 12 of the Office Action, the Office rejects claims 12 and 22 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Schwoegler* and further in view of *Kanevsky et al.* (US Patent 6,496,949, hereafter referred to as *Kanevsky*).

Claims 12 and 22 are dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* in view of *Schwoegler* fails to disclose or suggest all the limitations of claims 12 and 22. Furthermore, *Kanevsky* fails to disclose or suggest the limitations lacking in *Kehr* and *Schwoegler*, namely “automatically determining information about environmental conditions indicating actual weather conditions of the location of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating actual weather conditions of the location of said mobile telephone device.” Consequently, the

combination of Kehr in view of Schwoegler and further in view of Kanevsky fails to render claims 12 and 22 obvious, therefore applicant respectfully requests that the rejection of claims 12 and 22 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Schwoegler in view of Largman et al.

At section 13 of the Office Action, the Office rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Schwoegler* and further in view of *Largman et al.* (US Patent Application Publication 2002/0188887, hereafter referred to as *Largman*).

Claim 13 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, Kehr in view of Schwoegler fails to disclose or suggest all the limitations of claim 13. Furthermore, Largman fails to disclose or suggest the limitations lacking in Kehr and Schwoegler, namely “automatically determining information about environmental conditions indicating actual weather conditions of the location of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating actual weather conditions of the location of said mobile telephone device.” Consequently, the combination of Kehr in view of Schwoegler and further in view of Largman fails to render claim 13 obvious, therefore applicant respectfully requests that the rejection of claim 13 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Schwoegler in view of Venkatraman

At section 14 of the Office Action, the Office rejects claims 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Schwoegler* and further in view of *Venkatraman* (US Patent 5,956,487).

Claims 14 and 16 are dependent from independent claim 1 and recite additional

required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, Kehr in view of Schwoegler fails to disclose or suggest all the limitations of claims 14 and 16. Furthermore, Venkatraman fails to disclose or suggest the limitations lacking in Kehr and Schwoegler, namely "automatically determining information about environmental conditions indicating actual weather conditions of the location of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating actual weather conditions of the location of said mobile telephone device." Consequently, the combination of Kehr in view of Schwoegler and further in view of Venkatraman fails to render claims 14 and 16 obvious, therefore applicant respectfully requests that the rejection of claims 14 and 16 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Office to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Respectfully submitted,



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